

REMARKS

Summary of the Office Action

Claims 1-7 and 15-23 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1-7 and 15-23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1-11, 13-18, and 20-35 stand rejected under 35 U.S.C. § 102(e) [sic] as allegedly unpatentable over U.S. Patent No. 6,895,403 to *Cardwell et al (Cardwell)*, in view of *Selling by Objective* (SBO), May 1984.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Cardwell* in view of U.S. Patent No. U.S. Pat No. 6,036,345 to *Jannette et al. (Jannette)*.

Claim 19 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Cardwell*.

Summary of the Response to the Office Action

Applicants have amended independent claims 1 and 15. Claims 1-35 are pending for consideration.

The Rejection under 35 U.S.C. § 101

Independent claims 1 and 15 and dependent claims 2-7 and 16-23 stand rejected under 35 U.S.C. § 101 for failing to provide a concrete result. Applicants respectfully traverse these rejections for at least the following reasons.

The Rejections under 35 U.S.C. § 101 Should Be Withdrawn

The Office Action rejects claims 1 and 15 for failing to produce a concrete result because of the allegedly subjective nature of the words “managing” and “manipulating” in independent claims 1 and 15 respectively. While Applicants traverse this assertion, Applicants amend independent claims 1 and 15 to clarify the concrete result obtained. Applicants respectfully submit that the amendments to claims 1 and 15 do not narrow the intended scope of the claim, and therefore, Applicants do not intend to relinquish any subject matter by these amendments. Applicants respectfully assert that independent claims 1 and 15, as amended, fully comply with the requirements 35 U.S.C. § 101 and are allowable. Moreover, Applicants respectfully submit that dependent claims 2 -7 and 6 - 23 are allowable at least because of their respective dependencies from independent claims 1 and 15, and for the reasons set above. Applicants respectfully request that the rejection of claims 1-7 and 15 - 23 under 35 U.S.C. § 101 be withdrawn.

The Rejection under 35 U.S.C. § 112

Claims 1-7 and 15-23 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which is regarded as the invention. Applicants traverse these rejections for at least the following reasons.

The Rejection under 35 U.S.C. § 112 Should Be Withdrawn

Applicants have amended claims 1 and 15 in accordance with the comments in the Office Action. Applicants respectfully submit that the amendments to claims 1 and 15 do not narrow the intended scope of the claim, and therefore, Applicants do not intend to relinquish any subject

matter by these amendments. Applicants respectfully submit that claims 1 and 15, as amended, fully comply with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn. Moreover, Applicants respectfully submit that dependent claims 2 - 7 and 16 - 23 are allowable at least because of their respective dependencies from amended independent claims 1 and 15, and for the reasons above. Applicants respectfully request that the rejection of claims 1 – 7 and 15 - 23 under 35 U.S.C. § 112 be withdrawn.

The Rejections under 35 U.S.C. § 103(a)

Claims 1-35 stand rejected under 35 U.S.C. § 103(a) based either partially or entirely on *Cardwell*. As a preliminary manner, Applicants submit that the Office Action erroneously states that claims 1-11, 13-18, and 20-35 are rejected under 35 U.S.C. § 102(e) at page 4. Applicants believe that the Office Action actually rejects these claims under 35 U.S.C. § 103(a), and address the rejections accordingly. If Applicants' belief is incorrect, Applicants respectfully request clarification in the next Office Action, and an opportunity to respond fully to the intended rejection. Applicants respectfully traverse these rejections for at least the following reasons.

The Rejections under 35 U.S.C. § 103(a) Should Be Withdrawn

Cardwell claims priority to a provisional application filed on March 31, 2000. However, as stated in the Rule 1.131 Declaration submitted concurrently with this Amendment, inventor Shinji Yoko conceived of his invention prior to the March 31, 2000 priority date for *Cardwell*, and was diligent in reducing it to practice until filing this application on June 4, 2001. Mr. Yoko is the sole inventor of claims 1-27 and 30-33. Since the effective date of this application (with

respect to the claims solely attributable to Mr. Yoko) is prior to March 31, 2000, *Cardwell* cannot be used as a basis for rejection. Since rejection of these claims is based either partially or entirely on *Cardwell*, rejection of these claims under 35 U.S.C. § 103(a) is improper.

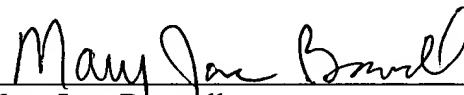
Accordingly Applicants respectfully assert that independent claims 1, 9, 15, 24 and 30 are allowable for at least the reasons set forth above. Moreover, Applicants respectfully submit that since all independent claims are solely attributable to Mr. Yoko, dependent claims 2-8, 10-14, 16-23, 25-29 and 31-35 are allowable at least because of their respective dependencies from independent claims 1, 9, 15, 24, and 30 and for the reasons set above. As a result, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) are improper and should be withdrawn.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution. If there are any fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted

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